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Patent

REMARKS

Claims 1, 4, 5, 7-14, 16, and 18 were rejected under 35 USC §102(b) as being anticipated by Iwata. As discussed by the Examiner in the office action, Iwata provides a tag to a digital message, however the tag consists of validation data that the network meets a minimum acceptable criteria by one or more test messages sent down the route. The present invention does not test the route but take the factors as provided by the datalink service provider, and allows the user to set his priority criteria, based on these factors, and the software then automatically chooses the datalink service provider that matches or is the closest to the user selected criteria. The Examiner indicated that in the previous arguments submitted by the application did not contain the features that are distinguishable from Iwata in the claims. The independent claims, claims 1 and 14 have been amended to provide the feature of providing a unique prioritization tag for the individual digital message based on factors provided by at least two Datalink Service Providers, the unique prioritization tag comprising user chosen routing priority criteria selected from the factors (emphasis added). This clearly sets out the feature of using the factors "as advertised" by the datalink service provider as the criteria to be selected from by the user. This is clearly distinctive from the testing feature taught by Iwata. This feature is fully supported in the specification. Thus, the independent claims are allowable. Note that several of the dependent claims have also been amended to be consistent with the independent claims.

Having responded to each and every objection and rejection raised by the Examiner, it is believed that the patent application is now in condition for allowance, and such allowance is respectfully requested. If the Examiner has any questions or suggestions for expediting an allowance in this matter, the Examiner is invited to call the undersigned collect.

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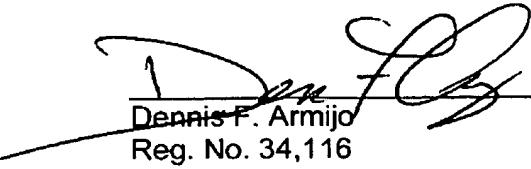
Patent

The Commissioner is authorized to charge any fees or credit any overpayment under 37 CFR §§ 1.16 and 1.17 which may be required during the entire pendency of this application to Deposit Account No. 01-1125.

Respectfully submitted.

Ralph Cole Hedden

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